

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Fred Khalilian, derivatively on behalf of  
nominal defendant, Monster Products, Inc.,

Case No. 2:19-cv-00831-JAD-BNW

## Plaintiff

## **Order Dismissing Case**

Monster Products, Inc., et al.,

[ECF Nos. 15, 16, 18, 19, 21]

## Defendants

Nominal Defendant Monster Products, Inc. moves to dismiss this putative shareholder  
tive action filed by Fred Khalilian.<sup>1</sup> The deadline to oppose that motion passed without  
se. Local Rule 7-2(d) provides that “[t]he failure of an opposing party to file points and  
ities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for  
ey's fees, constitutes a consent to the granting of the motion.” I apply Local Rule 7-2(d)  
em plaintiff's failure to oppose this motion as his consent to granting it. Accordingly, IT

15 IS HEREBY ORDERED that Monster Products, Inc.'s Motion to Dismiss Shareholder  
16 Derivative Complaint Under Fed. R. Civ. P. 23.1 and 12(b)(6) [ECF Nos. 16, 18] is  
17 **GRANTED.** This case is DISMISSED in its entirety.

18 Also pending is Khalilian's counsel's motion to withdraw.<sup>2</sup> Good cause appearing, IT IS  
19 FURTHER ORDERED that Khalilian's unopposed motion to withdraw [ECF No. 19] is  
20 GRANTED. The Clerk of Court is directed to SEND a copy of this order to Fred Khalilian at  
21 6245 Wilshire Blvd., Los Angeles, CA, 90048, and CLOSE THIS CASE.

23 |<sup>1</sup> ECF Nos. 16, 18 (corrected image).

|^2 ECF No. 19.

1 IT IS FURTHER ORDERED that Khalilian's motion to extend time to respond to the  
2 court's notice of intent to dismiss under FRCP 4m<sup>3</sup> [ECF No. 15] is **DENIED** as moot because  
3 this case is being dismissed based on Monster's motion to dismiss, not based on FRCP 4m.  
4 Monster's motion to stay discovery [ECF No. 21] is **DENIED** as moot, too.

5 Dated: November 18, 2019

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7 U.S. District Judge Jennifer A. Dorsey  
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<sup>3</sup> ECF No. 14.